

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 1st day of July, 2013 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Adan Chapa Mayor
Phillip Hyatt Mayor Pro Tempore
Ramiro Gomez Council Member
Billy Ellis Council Member
Vickie Abrego Council Member

ABSENT:

ADMINISTRATIVE

PERSONNEL PRESENT: Allen Lawrence City Attorney
Sylvia Carrillo City Manager
Yvonne Stonebraker City Secretary

ADMINISTRATIVE

PERSONNEL ABSENT:

STAFF PRESENT: Eric Blanchard Police Chief
Earl Buckmaster Harbor Master
Sarah Lee Civic Center Manager

OTHERS PRESENT: Russ Point, Ernie & Olivia Torres, William Wauson, Herb Cross, Bill Denton, Alan Jones, Annita West, Donald & Jeanie Brummett, Robert Cuevas/Linebarger, Jennifer Thomas/Slowride Guide Service, Mike & Jan Moore, David Underbrink/Naismith, Rosemary Vega/Chamber of Commerce, Kyle Alston, Randy & Jeanne Hunter and Patsy Lawrence.

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Chapa called the meeting to order at 7:00 P.M. on June 1, 2013.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Council Member Abrego gave the invocation. Mayor Chapa led the Pledge of Allegiance to the United States Flag.

3. **CONSENT AGENDA.**

A. **CONSIDER AND ACT ON MINUTES OF JUNE 17 AND JUNE 25, 2013.**

B. **CONSIDER AND ACT ON ORDINANCE NO. 2013-4036 - AN ORDINANCE AMENDING CHAPTER 13- HARBORS AND WATERWAYS; SECTION 13-20 – OBSTRUCTION OF NAVIGATION AND BOAT TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

C. **CONSIDER AND ACT ON ORDINANCE NO. 2013-4037 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO JOSHUA WAGNON TO OPERATE A TATTOO SHOP AT THE**

**PREMISES LOCATED ON LOTS 1 & 2, BLOCK 511, CITY OF ARANSAS PASS,
TEXAS SUBJECT TO CONDITIONS SET FORTH HEREIN.**

Mayor Pro Tem Hyatt made a motion to approve the consent agenda. Council Member Ellis seconded the motion and the motion carried unanimously.

4. **CONSIDER AND ACT ON AMENDING THE GENERAL BUSINESS USE CHART
WITHIN THE ZONING ORDINANCES OF THE CITY OF ARANSAS PASS.**

City Manager Carrillo stated the City was in the process of bringing the Zoning Use Tables up to standards. She stated the General Business Use Chart was presented and approved before Planning and Zoning Commission and would like City Council to approve the changes.

Council Member Ellis made a motion to approve amending the General Business Use Chart within the Zoning Ordinances of the City of Aransas Pass. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

5. **CONSIDER AND ACT ON REQUEST OF DAN MOORE FOR A CONDITIONAL USE
PERMIT FOR A BOAT AND RV STORAGE FACILITY. THE PROPERTY IS
DESCRIBED AS 472 X 620 W/2 TR LANDBLOCK 1 /MCCAMPBELL SUBDIVISION
SUR, 5.02 ACRES. W. WHEELER AVE, ARANSAS PASS, TEXAS, SAN PATRICIO
COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.**

Passed on.

6. **CONSIDER AND ACT ON THE FORMAL REQUEST OF ALLEN SAMUELS REALTY,
INC. TO ANNEX PROPERTY BEING 17.872 ACRES OF LAND OUT OF PORTIONS
OF FARM LOTS 1-5, LANDBLOCK 2, T.P. MCCAMPBELL SUBDIVISION,
ACCORDING TO THE MAP RECORDED IN VOLUME 11, PAGES 21-22, MAP
RECORDS OF SAN PATRICIO COUNTY, TEXAS.**

City Manager Carrillo stated Allen Samuels Realty, Inc had requested participation in cost from the City of Aransas Pass in extending the water and sewer infrastructure to their property not to exceed \$36,000. She stated the new request would be for a 3-year tax abatement.

Mayor Pro Tem Hyatt made a motion to approve the formal request of Allen Samuels Realty, Inc. to annex property being 17.872 Acres of Land out of portions of Farm Lots 1-5, Landblock 2, T.P. McCampbell Subdivision, according to the map recorded in Volume 11, Pages 21-22, Map Records of San Patricio County, Texas. Council Member Ellis seconded the motion and the motion carried unanimously.

7. **CONSIDER AND ACT ON ORDINANCE NO. 2013-4035 - AN ORDINANCE ANNEXING
ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ARANSAS PASS,
TEXAS, PURSUANT TO ARTICLE 43.028, TEXAS LOCAL GOVERNMENT CODE;
FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE
BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE
CITY AND THAT OWNERS AND INHABITANTS THEREFORE SHALL BE BOUND BY
THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER
ADOPTED; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR AN
EFFECTIVE DATE.**

Mayor Pro Tem Hyatt made a motion to approve Ordinance No. 2013-4035 - An ordinance annexing adjacent and contiguous territory to the City of Aransas Pass, Texas, pursuant to Article 43.028, Texas Local Government Code; finding that all necessary and required legal conditions have been satisfied; providing that such area shall become a part of the city and that owners and inhabitants therefore shall be bound by the acts and ordinances now in effect and to be hereinafter adopted; providing a

severability clause and providing for an effective date. Council Member Abrego seconded the motion and the motion carried unanimously.

8. CONSIDER AND ACT ON APPROVING REQUEST OF ALLEN SAMUELS REALTY, INC. FOR PARTICIPATION IN COST OF EXTENDING WATER AND SEWER INFRASTRUCTURE TO ANNEXED PROPERTY BEING 17.872 ACRES OF LAND OUT OF PORTIONS OF FARM LOTS 1-5, LANDBLOCK 2, T.P. MCCAMPBELL SUBDIVISION, ACCORDING TO THE MAP RECORDED IN VOLUME 11, PAGES 21-22, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS NOT TO EXCEED \$36,000.

Passed on.

9. CONSIDER AND ACT ON REQUEST OF ALLEN SAMUELS REALTY, INC. FOR A 3-YEAR TAX ABATEMENT.

Mayor Pro Tem Hyatt made a motion to approve the request of Allen Samuels Realty, Inc. for a 3-year tax abatement. Council Member Abrego seconded the motion and the motion carried unanimously.

10. UPDATE ON 1ST ANNUAL ARANSAS PASS CHAMBER OF COMMERCE CAR SHOW AND A DEBRIEFING OF THE 65TH ANNUAL ARANSAS PASS CHAMBER OF COMMERCE SHRIMPOREE BY CEO ROSEMARY VEGA.

Chamber of Commerce CEO, Rosemary Vega, stated the first Annual Car Show would be held at the Aransas Pass Civic Center on Saturday, October 19, 2013 and all proceeds would go to the Wounded Warriors. She stated that she knew a motion could not be made tonight because it was not an action item but she wanted the Council to know what she would be approaching the Council for a reduced rate at the Civic Center. Ms. Vega stated the rate for the car show was quoted as \$1,500.00.

Mr. Bill Denton, Allen Samuels, Inc., stated he would like to donate the \$1,500.00 for the Civic Center rental to benefit the Wounded Warriors Car Show.

Ms. Vega, Chamber of Commerce, stated the Annual Shrimporee was a success. She stated Police Chief Eric Blanchard reported there were no arrests at the Shrimporee grounds all weekend, which consisted of 40,000 people in three days. Ms. Vega wanted to thank the Aransas Pass City Manager, and all participating employees with the Police Department, Fire Department, Public Works and the other 800 volunteers who showed their support in making the Shrimporee a success. She also wanted to thank all of the vendors, sponsors, cooks, etc.

11. CONSIDER AND ACT ON TAX RESALE PROPERTY:

Mr. Robert Cuevas, Linebarger, Goggan, Blair and Sampson stated the following tax resale properties had been before the courthouse steps to be sold and there were no offers at that time. He stated Linebarger had now received offers and were bringing the offers before City Council for approval.

- A. SUIT NO. S-05-1359-TX; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, CITY OF ARANSAS PASS AND SAN PATRICIO COUNTY VS. BARBARA E. WOLLERMAN, ET AL ACCT. NO. 36271; 0.08 ACRE, MORE OR LESS, BEING THE WEST ½ OF LOTS 17 AND 18, BLOCK 489, ORIGINAL TOWNSITE, CITY OF ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, AS DESCRIBED IN DEED DATED AUGUST 18, 1983, FROM J.W. MEYERS ETUX TO BARBARA ELVIN WOLLERMAN, IN CLERK'S FILE #320317, DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY LOCATED AT 224 MCCLUNG, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS.

Mr. Cuevas stated the owner no longer wanted this piece of property.

Council Member Ellis made a motion to approve the bid of \$6,900 from Mr. Richard Capps for Suit No. S-05-1359-TX; Aransas Pass Independent School District, City of Aransas Pass and San Patricio County vs. Barbara E. Wollerman, et al Acct. No. 36271; 0.08 Acre, more or less, being the West ½ of Lots 17 and 18, Block 489, Original Townsite, City of Aransas Pass, San Patricio County, Texas, as described in Deed dated August 18, 1983, from J.W. Meyers etux to Barbara Elvin Wollerman, in Clerk's File #320317, Deed Records of San Patricio County, Texas. Property located at 224 McClung, Aransas Pass, San Patricio County, Texas. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

- B. SUIT NO. S-02-1271-TX; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, CITY OF ARANSAS PASS AND SAN PATRICIO COUNTY VS. LOUISE CALDWELL, ET AL ACCT. NO. 0022-0211-0001-001; 1.06 ACRES, MORE OR LESS, OUT OF FARM LOT 1, LAND BLOCK 21, BURTON AND DANFORTH SUBDIVISION, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 152, PAGE 1, DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY LOCATED ON AVE. A, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS.

Mr. Cuevas stated the above property had been struck off tax roll since June 2011 and this was the first bid received.

Council Member Abrego made a motion to deny the bid of \$350.00 from Mr. Daniel N. Waterstreet for Suit No. S-02-1271-TX; Aransas Pass Independent School District, City of Aransas Pass and San Patricio County vs. Louise Caldwell, et al Acct. No. 0022-0211-0001-001; 1.06 Acres, more or less, out of Farm Lot 1, Land Block 21, Burton and Danforth Subdivision, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 152, Page 1, Deed Records of San Patricio County, Texas. Property located on Ave. A, Aransas Pass, San Patricio County, Texas citing bid was too low. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

- C. SUIT NO. S-05-1082-TX; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, CITY OF ARANSAS PASS AND SAN PATRICIO COUNTY VS. MARJORIE HAYWARD, ET AL ACCT. NO. 0011-0224-0016-000; LOT 16, BLOCK 224, TOWN OF ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, AS DESCRIBED IN VOLUME 354, PAGE 377, DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY LOCATED ON S. 10TH STREET, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS.

Mr. Cuevas stated the owner of Next Lots 4, LLC had purchased numerous properties in Aransas Pass and keeps all of his properties clean.

Mayor Pro Tem Hyatt made a motion to approve the bid of \$2,500 from Next Lots 4, LLC for Suit No. S-05-1082-TX; Aransas Pass Independent School District, City of Aransas Pass and San Patricio County vs. Marjorie Hayward, et al Acct. No. 0011-0224-0016-000; Lot 16, Block 224, Town of Aransas Pass, San Patricio County, Texas, as described in Volume 354, Page 377, Deed Records of San Patricio County, Texas. Property located on S. 10th Street, Aransas Pass, San Patricio County, Texas. Council Member Ellis seconded the motion and the motion carried unanimously.

- D. SUIT NO. S-05-1097-TX; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, CITY OF ARANSAS PASS AND SAN PATRICIO COUNTY VS. TOMMY CAPERS, INDIVIDUALLY AND DBA FARO, CO. ET AL ACCT. NO. 0011-0571-0013-004; LOTS 13, 14, 15 AND 16, BLOCK 'G' (NCB 571), MAKEY'S FIRST ADDITION, CITY OF ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 3A, MAP

RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY LOCATED ON ARCH STREET, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY, TEXAS.

Mr. Cuevas stated the owner of Next Lots 4, LLC made the offer on this property, as well.

Council Member Abrego made a motion to deny the bid of \$4,000 from the owner of Next Lots 4, LLC for Suit No. S-05-1097-TX; Aransas Pass Independent School District, City of Aransas Pass and San Patricio County vs. Tommy Capers, Individually and dba Faro, Co. et al Acct. No. 0011-0571-0013-004; Lots 13, 14, 15 and 16, Block 'G' (NBC 571), Makey's First Addition, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 1, Page 3a, Map Records of San Patricio County, Texas. Property located on Arch Street, Aransas Pass, Texas, San Patricio County, Texas citing bid was too low. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

- E. **SUIT NO. S-03-1297-TX; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, SAN PATRICIO COUNTY AND CITY OF ARANSAS PASS VS. AGNES SPENCER, ET AL ACCT. NO. 0011-0209-0002-000; LOT 2, BLOCK 209, CITY OF ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 41, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY LOCATED AT 351 N. 12TH STREET, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS.**

Council Member Abrego made a motion to approve the bid of \$3,600 from Mr. Jimmy Rodriguez and Ms. Esther Rodriguez for Suit No. S-03-1297-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs. Agnes Spencer, et al Acct. No. 0011-0209-0002-000; Lot 2, Block 209, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 41, Map Records of San Patricio County, Texas. Property located at 351 N. 12th Street, Aransas Pass, San Patricio County, Texas. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

12. **CONSIDER AND ACT ON APPROVING AN EMPLOYEE APPRECIATION BAR-BE-QUE AT THE ARANSAS PASS AQUATIC CENTER ON SUNDAY, AUGUST 4, 2013 FROM 10:00 AM TO 4:00 PM.**

City Manager Carrillo stated she would like to show the City of Aransas Pass employees her appreciation with their hard work and dedication by having a pool party and bar-be-que for the employees and their immediate families.

Council Member Abrego made a motion to approve an Employee Appreciation Day Bar-Be-Que at the Aransas Pass Aquatic Center on Sunday, August 4, 2013 from 10:00 am to 4:00 pm. Council Member Ellis seconded the motion and the motion carried unanimously.

13. **CONSIDER AND ACT ON APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ARANSAS PASS REGARDING SEA GATES AND RAIL GATES.**

- A. **DERRICK CONSTRUCTION**
B. **BAY LTD.**

City Manager Carrillo stated the City of Aransas Pass was in the process of working on hurricane preparations and the current MOU with J.M. Davidson expired on December 31, 2012. She stated J.M. Davidson's proposed rate increased by \$6,000. She stated bids received by Derrick Construction and Bay, LTD were \$2,800 per occurrence. She stated she would like the City Council to approve an MOU between the City of Aransas and Derrick Construction (primary) and Bay LTD (secondary) regarding sea gates and rail gates.

Council Member Ellis made a motion to approve a Memorandum of Understanding between the City of Aransas Pass and Derrick Construction (primary) and a Memorandum of Understanding between the City of Aransas Pass and Bay, LTD (secondary) regarding the installation and removal of the sea gates and rail gates. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

14. CITY MANAGER UPDATES:

- AGENDA CREATION POLICY
- RESIDENTIAL USE TABLES
- WATER RESTRICTION POLICY
- CONN BROWN HARBOR - NAISMITH

City Manager Carrillo spoke to the City Council on an Agenda Creation Policy, revision of the Residential Use Tables and a Water Restriction Policy.

Mr. David Underbrink, Naismith Engineering, updated the City Council on repairs to the boat ramps, bathrooms, fish cleaning table and parking lot at Conn Brown Harbor Park.

15. CITIZENS COMMENTS.

Ms. Jennifer Thomas, Slowride Guide Service, stated she would like the City of Aransas Pass to organize trash pick-up on the causeway after fireworks are popped for 4th of July. She stated the ponds around the Aquatic Center are trashy and the City needed to do their part in keeping the areas free of trash.

Mr. Ernie Torres stated he had attended the last City Council meeting and had made several complaints. He stated the flag poles have not been fixed; the property on the corner of N. Commercial and Ireland was still trashy; the building located on the 800 Block S. McCampbell is still blocking traffics view. Mr. Torres stated now 404 E. Wilson is a boat repair place and the grounds are horrible. He also stated the tire shop located on the 700 Block S. Commercial

Fire Chief Rick Kilgore stated the flag poles had been repaired today, July 1, 2013. He also stated TCEQ had been notified about the Tire Shop located at 700 Block S. Commercial.

Mr. Russ Point complained about the parking lot and boat ramps at Conn Brown Harbor.

Mr. Mike Moore, Redfish Bay Boathouse, invited everyone out to Conn Brown Harbor on Thursday, July 4, 2013 for the boat parade, laser light show and all the free hotdogs (while supplies last) beginning at 3:00 P.M.

16. RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Mayor Chapa recessed the Open Meeting and retired into Executive Session at 8:09 p.m.

- A. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL – CITY MANAGER SYLVIA CARRILLO – 6-MONTH EVALUATION
- B. SECTION 551-074 – DELIBERATIONS REGARDING PERSONNEL – CITY SECRETARY YVONNE STONEBRAKER – PERFORMANCE REVIEW

17. RECONVENE IN OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Mayor Chapa reconvened the Open Meeting at 9:25 p.m.

- A. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL – CITY MANAGER SYLVIA CARRILLO – 6-MONTH EVALUATION

Council Member Abrego made a motion to approve a 10% raise for City Manager Carrillo’s 6 month evaluation. Council Member Ellis seconded the motion and the motion carried with Mayor Chapa abstaining from the vote.

B. **SECTION 551-074 – DELIBERATIONS REGARDING PERSONNEL – CITY SECRETARY YVONNE STONEBRAKER – PERFORMANCE REVIEW**

No action taken.

18. **ADJOURNMENT OF MEETING.**

Council Member Ellis made a motion to adjourn the meeting. Council Member Gomez seconded the motion and the motion carried unanimously.

Mayor Chapa adjourned the meeting at 9:27 P.M.

Adan Chapa, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary